

REMARKS

This Amendment is submitted in response to the Office Action mailed on October 10, 2006. Claim 1 has been amended, and claims 6-11 stand withdrawn pursuant to a restriction requirement raised by Examiner. Claims 1-5 remain pending in the present application. In view of the foregoing amendments, as well as the following remarks, Applicants respectfully submit that this application is in complete condition for allowance and request reconsideration of the application in this regard.

Claims 1-5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Pepicelli et al., U.S. Patent No. 4,257,268 in view of Smith, U.S. Patent No. 6,117,394. While Applicants respectfully traverse these rejections, Applicants have amended independent claim 1 to more sharply define the claimed invention over the prior art of record and respectfully request that the rejection be withdrawn.

At the outset, Applicants respectfully submit that the filtered tips (Tp) of Smith mounted at the distal ends of the pipetter barrel (P) are not in any way configured to radially confine and support pipettes as recited in independent claim 1. Rather, the pipette tips (Tp) are merely filtered tips mounted to the distal end of the pipetter barrel (P). The pipette tips (Tp) form an extension of the pipetter barrel (P) to provide a disposable tip therefore, but do not otherwise provide any stabilizing structure or perform any radial stabilizing function for pipettes as recited in independent claim 1.

While Applicants respectfully traverse the rejections set forth above, Applicants have amended independent claim 1 to further define over the prior art of

record so as to accelerate prosecution of this application to allowance. In particular, Applicants have amended independent claim 1 to recite that the stabilizing member is configured to radially confine and support pipettes received in the axial passageway of the resilient retainer ***with the pipettes extending through a distal end of the stabilizing member***. Support for this amendment is provided at Page 4, lines 14-24 of Applicants' disclosure, for example, and in the figures.

Applicants respectfully submit that there is simply no pipette disclosed or taught by Smith that extends through a distal end of the pipette tip (Tp) and so the pipette tip (Tp) of Smith cannot properly be considered a stabilizing member as claimed by Applicants. Accordingly, Applicants respectfully submit that the combination of elements recited in independent claim 1 is not taught or suggested by the prior art of record and the rejection of that claim should be withdrawn.

Claim 1 has further been amended to correct a clerical error appearing in the claim by substituting "sleeve" with --retainer-- to maintain proper antecedent basis in the claim.

Moreover, as claims 2-5 depend from allowable independent claim 1, and further as each of these claims recites a combination of elements not taught or suggested by the prior art of record, Applicants respectfully submit that these claims are allowable as well.

Application No. 10/784,385
Amendment Dated 12/11/06
Reply to Office Action of 10/10/06

Conclusion

In view of the foregoing response including the amendments and remarks, this application is submitted to be in complete condition for allowance and early notice to this affect is earnestly solicited. If there is any issue that remains which may be resolved by telephone conference, the Examiner is invited to contact the undersigned in order to resolve the same and expedite the allowance of this application.

Applicants do not believe that this response requires that any fees be submitted, however, if any fees are deemed necessary, these may be charged to Deposit Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

/David H. Brinkman/
David H. Brinkman, Reg. No. 40,532

2700 Carew Tower
441 Vine Street
Cincinnati, Ohio 45202
(513) 241-2324 - Voice
(513) 421-7269 - Facsimile